REMARKS

Claims 14-21 are now pending in this application. Claims 14-16 and 20-21 are independent. In light of the amendments and remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Official Action

In the outstanding Official Action, the Examiner rejected claim 15 under 35 U.S.C. § 112, first paragraph. The Examiner further rejected claims 14-15 under 35 U.S.C. § 102(e) as being anticipated by *Naimpally* (USP 5,589,993); rejected claims 14-15 under 35 U.S.C. § 102(e) as being anticipated by *Yoo et al.* (USP 5,897,219); rejected claims 16-17 under 35 U.S.C. § 103(a) as being unpatentable over *Yoo et al.* in view of *Aoki* (USP 5,267,094); and rejected the remainder of the claims using a variety of combinations of references. Applicants respectfully traverse these rejections.

Claim Rejections - 35 U.S.C. § 112

In support of the Examiner's rejection of claim 15 under 35 U.S.C. § 112, first paragraph, the Examiner asserts that the specification does not describe "the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data, generated by the video generating portion at an arbitrary interval." Applicants

respectfully disagree with the Examiner's rejection. The Examiner's attention is respectfully directed to page 24, lines 14-27, together with Fig. 12 for an exemplary description of the storage control portion 43. The Examiner's attention is further directed to page 26, lines 12-20, together with page 26, starting at line 21 in conjunction with Fig. 14 for an example of storing coded video data. As such, it is respectfully submitted that claim 15 does comply with the enablement requirement under 35 U.S.C. § 112, first paragraph. As such, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102 - *Naimpally*

The Examiner relies on *Naimpally* to teach the invention set forth in claim 14, citing primarily to col. 5, lines 8-14 and Fig. 6. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that *Naimpally* discloses a signal processing system for a high resolution digital video tape recorder including circuitry which processes the high resolution video signal to produce a relatively low resolution video signal which may be recorded on the tape with the high resolution video signal. The low resolution video signal is encoded using intraframe techniques and recorded in fixed length segments which appear at predetermined locations in the tape tracks. Low resolution segments

representing images in different frames may be recovered and combined to produce an image which is suitable for display in trick-play modes. During normal play modes, the data stream representing the high resolution image is recovered in sequence. Additionally, *Naimpally* discloses storing the first coded video data and the second coded video data via multiplexer 318 as shown in Fig. 3.

In contrast, the present invention set forth in claim 14 recites, *inter alia*, a method for distributing coded video data wherein the stored first coded data and the stored second coded data are separate from and independent of one another. As *Naimpally* requires the multiplexer to continuously record multiple data on a single recording medium such as magnetic tape as shown in Fig. 6, *Naimpally* fails to teach or suggest storing first coded data and second coded data separately from and independent of one another. Thus, claim 14 is not anticipated by *Naimpally*.

In support of the Examiner's rejection of claim 15, the Examiner asserts that *Naimpally* teaches that coded video data stored is composed by first coded data and re-encoded data and the re-encoded video data generated by the video generating portion is at an arbitrary interval since only intraframe coding is used to produce intraframes from coded data. Applicants respectfully disagree with the Examiner.

It is respectfully submitted that *Naimpally* discloses luminance and chrominance samples produced by the filter and the decimate circuitry 312 being applied to an encoder 314 which compresses the samples representing the low resolution video image using only intraframe coding techniques. *Naimpally* records in parallel the first coded video data and the second coded video data generated by re-encoding the first coded video data.

In contrast, the present invention as set forth in claim 15 recites, *inter alia*, a method for storing and distributing coded video data comprising storing the received coded video data and the re-encoded video data wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval. However, it is respectfully submitted that *Naimpally* fails to teach or suggest wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the generating portion at an arbitrary interval. Thus, *Naimpally* fails to anticipate the present invention as set forth in claim 15.

Claim Rejections - 35 U.S.C. § 102 - *Yoo et al.*

With regard to the Examiner's rejection of claim 14 as being anticipated by *Yoo et al.*, the Examiner asserts that *Yoo et al.*

discloses the present invention merely by citing to encoder 213 and col. 3, line 60 - col. 4, line 34. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that *Yoo et al.* discloses a recording and playback apparatus for a digital video cassette recorder. At the start of picture recording, the controller provides a selection signal to a multiplexer and a decoding instruction to an encoder to enable the encoder to recode the entire picture region of the decoded video data in an intraframe manner with a header which contains the decoding instruction information. The data inverse conversion unit includes a header decoder, a buffer controller, and a buffer. The buffer controller has as inputs the decoded instruction information output from the header decoder and a playback signal instructing the playback of compressed video data from the digital recording medium. As such, both intraframe and interframe coded pictures can be viewed without degradation, even when playout is begun from a stopped position in the middle of a program. As can be seen in Fig. 6, the system includes a buffer 211 for temporarily delaying the inputted compressed video data to match its timing with that of output data from the encoder 213 and a multiplexer 215 for selectively applying output data from the buffer 211 and the output data from the encoder 213 to the error correction encoder 22 in response to the

selection signal from the controller 214 (col. 4, lines 1-9). Further *Yoo et al.* teaches transferring the first coded video data and the second coded video data via a multiplexer 215. Additionally, as shown in Fig. 5, the first coded video data and the second coded video data are guided by re-encoding the first coded video data and mixed to form a series of continuous data.

In contrast, the invention set forth in claim 14 provides storing the first coded video data and the second coded video data; and transmitting the first coded video data or the second coded video data over the communication channel, wherein the stored first coded data and the stored second coded data are separate from and independent of one another. It is respectfully submitted that *Yoo et al.* is deficient in anticipating the invention set forth in claim 14 as *Yoo et al.* fails to teach transmitting the first coded video data or the second coded video data over the communication channel wherein the stored first coded data and the stored second coded data are separate from and independent of one another. As such, claim 14 is not anticipated by *Yoo et al.*

With regard to the Examiner's rejection of claim 15, as noted above, *Yoo et al.* discloses a multiplexer 215 for selectively applying output data from the buffer 211 and the output data from the encoder 213 to the error correction coder 22 in response to the selection signal from the controller 214. In comparing Fig. 3 and

Fig. 5, Fig. 5 includes Fig. 3. For example, PICTURE 2, 3, 4 of PROGRAM 2 in Fig. 5 correspond to PICTURE 1, 2, 3 of PROGRAM 2 in Fig. 3 and are shifted by one picture to the right in Fig. 5 as the result of the insertion of PICTURE 1 of PROGRAM 2; PICTURE 6, 7 in Fig. 5 correspond to PICTURE 4, 5 of PROGRAM 2 in Fig. 3 and are shifted by two pictures to the right as the result of the insertion of PICTURE 5 in Fig. 5. Consequently, the data of Fig. 5 contains an increased data in comparison with the data of Fig. 3.

In contrast, the invention set forth in claim 15 provides, inter alia, wherein the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval. *Yoo et al.* fails to teach composing the coded video data by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval. Thus, claim 15 is not anticipated by *Yoo et al.*

Claim Rejections - 35 U.S.C. § 103 - *Yoo et al./Aoki*

In support of the Examiner's rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Yoo et al.* in view of *Aoki*, the Examiner asserts that *Yoo et al.* teaches selecting the first coded video data as it is, or to direct the video generating portion to generate the second coded video data by reading the

first coded video data, citing to col. 3, line 60 to col. 4, line 34. Applicants respectfully disagree with the Examiner's characterization of this reference.

As noted above, the disclosure set forth in *Yoo et al.* increases the total number of frames by the number of frames generated by re-encoding. However, the present invention as set forth in claim 16 recites, *inter alia*, a video storage and communication device used for a video information communication system to distribute video data to a terminal set connected with a communication channel, the communication device comprising, *inter alia*, a video-reproduction control portion for selecting to read the first coded video data stored in the video storage portion as it is, or to direct the video generating portion to generate the second coded video data by reading the first coded video data. It is respectfully submitted that *Yoo et al.* fails to teach this element as set forth in claim 16. Further, as *Aoki* fails to cure the deficiencies of the teachings of *Yoo et al.*, it is respectfully submitted that neither *Yoo et al.* nor *Aoki*, either alone or in combination (assuming these reference may be combined, which Applicants do not admit), teach the video reproduction control portion of claim 16. As such, it is respectfully submitted that claim 16 is not obvious over *Yoo et al.* in view of *Aoki*.

It is respectfully submitted that claim 17 is allowable for the reasons set forth above with regard to claim 16 at least based upon its dependency on claim 16.

Claim Rejections - 35 U.S.C. § 103 - *Naimpally/Aoki*

In order to sustain a claim rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Naimpally* in view of *Aoki*. However, the Examiner fails to state which reference the Examiner is relying upon to teach the video-reproduction control portion. As such, it is respectfully requested that, should the Examiner maintain his rejection of this claim under 35 U.S.C. § 103(a) as being unpatentable over *Naimpally* in view of *Aoki*, the Examiner provide a

detailed explanation of what portions the Examiner is relying upon in each of the references to support the rejection in a non-final Official Action.

Further, it is respectfully submitted that, as noted above, *Naimpally* outputs the first coded video data and the second coded video data at the same time. As such, a large amount of data is output.

However, the present invention as set forth in claim 16 recites, *inter alia*, a video storage and communication device comprising a video generating portion for generating a second coded video data different from the first coded video data by re-encoding the first coded video data stored in the video storage portion; and a video reproduction control portion for selecting to read the first coded video data stored in the video storage portion as it is, or to direct the video generating portion to generate the second coded video data. Thus, it is respectfully submitted that *Naimpally* fails to teach or suggest the video-reproduction control portion of the present invention. As *Aoki* fails to cure the deficiencies of the teachings of *Naimpally*, it is respectfully submitted that neither *Naimpally* nor *Aoki*, either alone or in combination (assuming these references may be combined, which Applicants do not admit), teach or suggest the video reproduction

control portion set forth in claim 16 and, thus, claim 16 is not obvious over *Naimpally* in view of *Aoki*.

It is further respectfully submitted that claim 17 is allowable for the reasons set forth above with regard to claim 16 at least based upon its dependency on claim 16.

Additional Comments

It is respectfully submitted that claims 18 and 19 are allowable for the reasons set forth above with regard to claim 16 at least based upon their dependency on claim 16.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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